

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KENNETH MOORE, JR.,)	
)	Civil Action No. 13 – 1405
Plaintiff,)	
)	District Judge Nora Barry Fischer
v.)	Magistrate Judge Lisa Pupo Lenihan
)	
J. BARRY JOHNSON, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

Kenneth Moore, Jr. (“Plaintiff”) initiated the above captioned prisoner civil rights action in the Middle District of Pennsylvania on September 24, 2013. It was transferred to this Court by Order dated September 27, 2013. In accordance with the Magistrate Judge’s Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules of Court, all pretrial matters were referred to United States Magistrate Judge.

Plaintiff’s Complaint alleged that Defendants violated his rights under the First, Eighth, and Fourteenth Amendments to the United States Constitution, as well as his right to Equal Protection and rights under the Americans with Disabilities Act. Defendants filed their Answer to the Complaint on February 17, 2014, and then filed their Motion for Summary Judgment on August 14, 2014. Plaintiff filed a Brief in Opposition to the Motion for Summary Judgment November 12, 2014.

Upon consideration of the Complaint and the Motion for Summary Judgment, the Magistrate Judge issued a Report and Recommendation, recommending that the Motion be

granted. Service of the Magistrate Judge's Report and Recommendation was made on the parties, who were informed that, in accordance with the Magistrate Judge's Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Local Rule of Court 72.D.2, they had until March 9, 2015 to file written objections. As of today, no objections have been filed.

AND NOW, this 13th day of March, 2015,

IT IS HEREBY ORDERED that the Report and Recommendation of the Magistrate Judge (ECF No. 42) is adopted as the Opinion of the Court.

IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order a notice of appeal, as provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court, at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.

s/Nora Barry Fischer
Nora Barry Fischer
United States District Judge

cc: Kenneth Moore, Jr.
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